

skilled in the art were to read Phillips or Klein in combination with Bailey would not be motivated to apply a composite having a first coating and a clear coating directly to a road surface, which are required elements of Applicant's invention as defined by claim 1, as amended.

Applicant has cancelled claim 8, and amended claim 1 to include the limitation of claim 8. For the abovementioned reasons, Applicant respectfully submits that claim 1, as amended, is patentable over Phillips, and Klein in light of Bailey, and request that the Examiner withdraw the rejection of claim 8 under 35 U.S.C. § 103(a).

### **Conclusions**

Applicant respectfully requests the Examiner to enter the amendment to the claims and reconsider and withdraw:

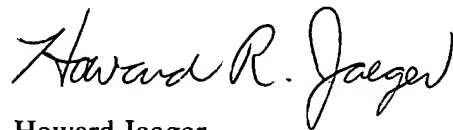
- A. the objection to the specification;
- B. the rejection of claim 7 under U.S.C. 35 §112(second paragraph);
- C. the rejection of claims 1, 6 and 8 under U.S.C. 35 §102(b) as anticipated by Bailey U.S. Patent Number 4,950,525;
- D. the rejection of claims 1 and 6 under U.S.C. 35 §102(b) as anticipated by Phillips U.S. Patent Number 5,977,263;
- E. the rejection of claims 1-6 under U.S.C. 35 §102(b) as anticipated by Klein U.S. Patent Number 5,882,771;
- F. the rejection of claims 2-5 under U.S.C. 35 §102(b) as anticipated by Bailey U.S. Patent Number 4,950,525, or in the alternative as obvious under U.S.C. 35 §103(a) over Bailey U.S. Patent Number 4,950,525;
- G. the rejection of claims 2-5 under U.S.C. 35 §102(b) as anticipated by Phillips U.S. Patent Number 5,977,263, or in the alternative as obvious under U.S.C. 35 §103(a) over Phillips U.S. Patent Number 5,977,263;
- H. the rejection of claim 7 under U.S.C. 35 §103(a) over Bailey U.S. Patent Number 4,950,525, Phillips U.S. Patent Number 5,977,263, or Klein U.S. Patent Number 5,882,771 in view of Pohto U.S. Patent Number 5,514,441; and

- I. the rejection of claim 8 under U.S.C. 35 §103(a) over Phillips U.S. Patent Number 5,977,263, or Klein U.S. Patent Number 5,882,771 in view of Bailey U.S. Patent Number 4,950,525.

Attached hereto is a marked up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Please direct all further correspondence to the undersigned, as attorney of record. An Associate Power of Attorney is enclosed.

Respectfully submitted,



Howard Jaeger  
Attorney for Applicants  
Registration No. 31,376

Date: December 12, 2002  
ROHM AND HAAS COMPANY  
100 Independence Mall West  
Philadelphia, PA 19106-2399  
Telephone : (215) 592-2181

## VERSION WITH MARKINGS TO SHOW CHANGES MADE

In The Claims:

Claim 1 has been amended as follows:

1. [amended] A composite on a surface of a substrate, wherein said composite comprises:

- a) a first coating comprising pigment and binder polymer;
- b) reflective beads; and
- d) a clear coating, comprising binder polymer,

wherein said surface of said substrate is a road surface, and said composite is a traffic marking.

Claim 8 has been cancelled:

8. ~~The composite of claim 1, wherein:~~

- ~~(a) said surface of said substrate is a road surface; and~~
- ~~(b) said composite is a traffic marking.~~



Gp #1772

**Patent**  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DN A01033  
CMJ/am

In re application of: Ward Thomas Brown

Application No. : 09/846,133 Group No. : 1772

Filed : May 1, 2002 Examiner : Chevalier

For : Water-Resistant Composite and Method for  
Producing the Composite

Assistant Commission of Patents  
Washington, DC 20231

RECEIVED  
DEC 18 2003  
TC 1100 MAIL ROOM

**Certificate of Mailing**

Sir:

I hereby certify that the following correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231 on the date indicated next to my signature below:

Amendment and Response  
under 37 C.F.R. §§ 1.111  
Certificate of Mailing  
Return Receipt Postcard

December 12, 2002  
Date

Anne Mc Ginley  
Signature